

CHAPTER NO. 75

HOUSE BILL NO. 2423

By Mr. Speaker Naifeh and Representative Gresham

Substituted for: Senate Bill No. 2404

By Senator Norris

AN ACT to amend Chapter 619 of the Private Acts of 1919; as amended by Chapter 279 of the Private Acts of 1923; Chapter 456 of the Private Acts of 1929; Chapter 28 of the Private Acts of 1937 (3rd Ex. Sess.); Chapter 519 of the Private Acts of 1941; Chapter 59 of the Private Acts of 1945; Chapter 223 of the Private Acts of 1947; Chapter 674 of the Private Acts of 1949; Chapter 268 of the Private Acts of 1967; Chapter 136 of the Private Acts of 1975; Chapter 24 of the Private Acts of 1977 and Chapter 43 of the Private Acts of 1979; and any other acts amendatory thereto, relative to the charter of the city of Munford.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 619 of the Private Acts of 1919, as amended by Chapter 279 of the Private Acts of 1923, Chapter 456 of the Private Acts of 1929, Chapter 28 of the Private Acts of 1937 (3rd Ex. Sess.), Chapter 519 of the Private Acts of 1941, Chapter 59 of the Private Acts of 1945, Chapter 223 of the Private Acts of 1947, Chapter 674 of the Private Acts of 1949, Chapter 268 of the Private Acts of 1967, Chapter 136 of the Private Acts of 1975, Chapter 24 of the Private Acts of 1977, and Chapter 43 of the Private Acts of 1979; and any other acts amendatory thereto, being the charter of the city of Munford, is repealed, except for those provisions regarding the boundaries, as referenced in Section 3 of this act, and Sections 2 through 24 of this act shall become the charter of the city of Munford.

SECTION 2. The city of Munford, in Tipton County, Tennessee, and the inhabitants thereof, are hereby constituted a body politic and corporate by the style and name of "city of Munford" and shall have perpetual succession by the corporate name and style; may sue and be sued; plead and be impleaded; contract and be contracted with; grant, purchase and hold real, mixed and personal property, or dispose of same for the benefit of the city; may use and hold real estate in or out of the corporate limits for corporate purposes; and sell or dispose of such property; and may have and use an official seal.

SECTION 3. The boundaries of the city shall be as provided in Chapter 619 of the Private Acts 1919, all acts amendatory thereof, and shall include annexations made pursuant to general law.

SECTION 4. All of the real and personal property belonging to the city pursuant to the charter that is hereby being repealed shall hereafter belong to the corporation, "city of Munford," created by this act, and all ordinances not in conflict with this act that are in effect as of the effective date of this act pursuant to the provisions of the charter hereby repealed shall remain in full force and effect, until altered, modified, or repealed by the board of mayor and aldermen organized under the provisions of this act.

SECTION 5. The corporation, "city of Munford," created pursuant to this act shall assume and be liable for all bonds, obligations, and debts created and contracted, and warrants issued by the board of mayor and aldermen, acting under the charter hereby repealed. The board of mayor and aldermen organized under the provisions of this act are hereby empowered to sign any warrants or bonds that may be unsigned under the charter hereby repealed as if such warrants or bonds were created under this act, and it shall be the duty of the board of mayor and aldermen to levy taxes for the payment of such warrants and bonds. All the rights and title to all the real and personal property, debts and choses in action, owned and claimed by the city pursuant to the charter hereby repealed are hereby vested in the corporation created by this act to hold, collect, use in as full and ample a manner as if they had been purchased and acquired under the powers and rights of this act. It shall be the duty of the corporation hereby created to perform, execute, and perfect all contracts and obligations legally made and entered into by the corporation created under the charter hereby repealed.

SECTION 6. The city of Munford shall be governed by a board to consist of a mayor and six (6) aldermen. The board is empowered to pass all ordinances necessary for the government of the city, and to have charge of the government, and to do and perform all acts necessary and proper for the government of the city not otherwise provided for by this act.

The board shall be elected by the qualified voters as provided herein at an election to be held the second Saturday in May every two (2) years, in odd-numbered years. The mayor and aldermen shall be elected for terms of four (4) years and shall hold office until their successors are elected and qualified. As established pursuant to the charter repealed by this act, the six (6) aldermen shall serve staggered, four-year terms. Accordingly, the aldermen elected in the May 2003 election for four-year terms shall continue to serve until the expiration of the term for which they were elected and until their successors are elected and qualified in

2007, and the aldermen elected in the May 2005 election for four-year terms shall continue to serve until the expiration of the term for which they were elected and until their successors are elected and qualified in 2009. The present mayor shall continue to serve until the expiration of the term for which such mayor was elected and until the mayor's successor is elected and qualified.

All elections of the city of Munford shall be held by Tipton County election commission, under the general laws of the state of Tennessee governing elections, or by such officer or officers and in such manner as the laws of the state may prescribe.

If there is a tie vote between the two (2) or more persons having the highest number of votes for an office, the board of mayor and aldermen shall cast the deciding vote, or, in the alternative, the board of mayor and aldermen may, by resolution, call for a run-off election between the tied candidates.

The mayor, subject to the approval of the board, shall employ a recorder who may also be employed as finance director or treasurer or both for the city. The recorder employed under the provisions of this act shall serve at the pleasure of the board of mayor and aldermen.

The board shall elect an aldermen to the office of vice mayor at the first regular meeting after each municipal election, who shall serve as mayor when the mayor is absent or unable to discharge the duties of the mayor's office, and, in the case of a vacancy in the office of mayor, until the next regular municipal election.

SECTION 7. Every person elected to the office of mayor or alderman shall have been a resident of the state of Tennessee for at least one (1) year and a resident of the city for not less than six (6) months immediately preceding the election, and shall continue to reside within the city during their terms of office. The officers of the city of Munford shall each, before entering upon the discharge of such officer's duties, take an oath or affirm, before anyone authorized to administer oaths, to support the constitution and the laws of the United States and the state of Tennessee and all ordinances created by the board of mayor and aldermen of the city.

SECTION 8. The salaries and compensation of the board of mayor and aldermen shall be fixed by ordinance. The salaries may be changed by ordinance, but the salaries shall not be increased or diminished during the term for which the board was elected.

SECTION 9. All persons who are qualified to vote for the members of the general assembly in the state, and who have been actual bona fide residents and citizens of the territory within the corporate boundaries of the city for thirty (30) days prior to the election, and non-residents who are qualified voters under the laws of the state and the county who own real estate in the city shall be entitled to vote in municipal elections; provided, however, in regard to non-resident property owners, such persons right to vote shall be in accordance with the provisions of Tennessee Code Annotated, Section 2-2-107(a)(3).

SECTION 10. Four (4) members of the board of mayor and aldermen shall constitute a quorum for the transaction of business, but a smaller number may adjourn to another day and time.

SECTION 11. The board of mayor and aldermen shall have the power to employ a city attorney for the city of Munford for such time as the board may deem advisable and may fix the compensation for the city attorney as the board deems right and proper.

SECTION 12. An ordinance shall be considered and adopted on two (2) separate days; any other form of board action shall be considered and adopted on one (1) day. Any form of board action shall be passed by a majority of the members present, if there is a quorum. All ordinances shall begin with the enacting clause, "Be it ordained by the board of mayor and aldermen of the city of Munford," and shall at the end of the ordinance contain the provision, "This ordinance shall take effect from and after its passage, the welfare of the city requiring it."

The ordinances of the city, when properly passed, may be proved in any courts of this state by the introduction of the minute or ordinance book or by the code of ordinances when adopted by the board of mayor and aldermen.

SECTION 13. The board of mayor and alderman shall not make any appropriation, or subscribe for any stock in any company or corporation, except under the general laws of the state, or give or lend money, aid, or credit to any person or corporation. The board shall not employ or appropriate the revenue or taxes in any other manner or for any other purpose than the manner provided for by this act and for strictly municipal and local purposes.

SECTION 14. The officers and employees of the city who handle the funds of the city, or have in their control or custody any of the records or property of the city, shall each enter into bond with good and solvent sureties for the safe keeping of the funds or property and for the faithful and efficient service in behalf of the city respectfully. The amount of the bonds shall be fixed by the board of mayor and aldermen. All of the

bonds shall be made payable to the city of Munford, and it may enforce the payment of same in an action in its own name in any of the courts of law or equity having jurisdiction of the matter in the state of Tennessee.

SECTION 15. The taxes assessed by the city shall be a lien on the respective property against which the taxes are assessed until paid, subject only to the lien which the state of Tennessee and Tipton County may have for unpaid taxes.

SECTION 16. All ordinances of the city and a full and complete record of the proceedings of the board of mayor and aldermen shall be kept by the recorder, who shall keep a minute book and also a separate book called the ordinance book, in which shall be recorded all the ordinances passed by the board, with the date on which they were passed. The recorder shall have the custody of all public records and of all contracts, and of all deeds or other instruments of writing belonging to the city and shall be custodian of the city seal. The board may designate as assistant city recorder to assist the city recorder and to serve in the city recorder's absence.

SECTION 17. There may be a city court presided over by a city judge appointed by the board of mayor and aldermen. The city judge shall have jurisdiction in and over all cases for the violation of, and all cases arising under, the laws and ordinances of the city. The city judge shall have the qualifications, term of office, if any, and receive the compensation the board may provide by ordinance.

The board may appoint the general sessions court judge of the county or counties in which the city lies to act as city judge in the absence or disability of the city judge or the mayor may designate a qualified person to serve as city judge to be acting city judge until one can be appointed at the next regularly scheduled meeting of the board, or as otherwise provided by ordinance.

The city judge may impose fines, costs and forfeitures and punish, by fine, for violation of city ordinances, in accordance with the general laws of the state. The judge may preserve and enforce order in the court and enforce the collection of fines, costs, and forfeitures imposed. In default of payment or good and sufficient security given for the payment of any fines or forfeitures imposed, the judge may fine the violator for contempt of court in accordance with the provisions of Tennessee Code Annotated, Title 16, Chapter 18, Part 3.

SECTION 18. The police chief or any other peace officer of the city that may be appointed hereunder shall have the right to enforce the laws of the city and state within the city limits and within one (1) mile of the city limits and may execute within the city limits and within one mile outside thereof all criminal and other process issued by the city.

SECTION 19. The Mayor shall preside at all meetings of the Board and shall be the chief executive of the city, except as otherwise herein provided. The mayor shall appoint committees, standing and special, and in case of a tie vote on questions before said board, shall vote, but not otherwise. The mayor shall have general control and supervision over all city officers and shall quarterly, or more often if necessary, examine into the condition of their respective offices, and every matter pertaining thereto, and may call upon such officer, clerk or deputy, for full information in regard to same. The mayor shall from time to time give the board information in writing or otherwise, relative to the condition of the corporation and shall recommend for the board's consideration such measures as the mayor may deem expedient and beneficial to the interest of the city. The mayor shall see to the enforcement of the ordinances of the city, and to the preservation of the health and peace of the city.

SECTION 20. The mayor shall have full power to suspend any department head, when in the judgment of the mayor, the public welfare requires it, but shall submit to said department head within three (3) days of the suspension, a written specification of the charges. The department head may appeal the suspension to the board of mayor and aldermen and if a majority thereof sustain the mayor such office shall be declared vacant.

Four (4) members of the board of mayor and aldermen shall constitute a quorum for the transaction of business at a regular or call meeting as herein before provided, and may compel the attendance of absent members in such manner and under such penalties as each board may prescribe. The board of mayor and aldermen shall hold their regular meetings as may be prescribed by ordinance, and a special or call meeting whenever called by the mayor, or it shall be his duty to call such special or call meeting on the written request of three (3) members specifying the purpose of the meeting, and no business shall be transacted except as specified in the call, until otherwise provided by ordinance.

SECTION 21. The Mayor shall have the power to veto any ordinance in whole or in part that does not meet his approval, he shall return such ordinance to the next regular meeting of the board of mayor and aldermen, with his objections in writing, and no ordinances so vetoed by the mayor shall go into effect unless the same be passed by two-thirds vote of the whole number of the board of mayor and aldermen. The mayor may approve part, and veto part of any ordinance, and that part approved shall go into effect at once, but the part vetoed shall not go into effect unless passed by a two-thirds vote as above provided. The mayor shall have

the power to make pro tempore appointments to fill vacancies caused by sickness, absence or other disabilities of any city officer or committees.

SECTION 22. The board of mayor and aldermen shall declare that a vacancy exists if the mayor or an alderman resigns or dies. The mayor or an alderman may be removed from office pursuant to the ouster provisions of general law found in Tennessee Code Annotated, Title 8, Chapter 47, upon conviction of a crime involving moral turpitude, for malfeasance in office, for willful neglect of their duties, for grave misconduct showing unfitness for public duty, or for permanent disability for which no reasonable accommodation can be made. By affirmative vote of a majority of the remaining members, the board shall fill a vacancy in the office of alderman for the unexpired term, but any portion of an unexpired four-year term for alderman that remains beyond the next municipal election shall be filled by the voters at that election, if the vacancy occurs at least twenty (20) days before the latest time for filing nominating petitions for candidates in that election.

SECTION 23. The board of mayor and aldermen shall have the power to issue bonds for all municipal purposes, and in so doing must follow the laws of the state in the issuance of bonds by municipal corporations.

SECTION 24. The board of mayor and aldermen of the city of Munford shall have the following powers:

(1) Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation, and privileges taxable by law for state, county or municipal purposes;

(2) Adopt classifications of the subjects and objects of taxation that are not contrary to law;

(3) Make special assessments for local improvements;

(4) Contract and be contracted with;

(5) Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner hereinafter provided;

(6) Issue and give, sell, pledge or in any manner dispose of, negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the municipality, upon the credit of the municipality or solely upon the credit of specific property owned by the municipality or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the municipality, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits;

(7) Expend the money of the municipality for all lawful purposes;

(8) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the municipality or state;

(9) Condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the municipality, for present or future public use; the condemnation shall be effected in accordance with the terms and provisions of Tennessee Code Annotated, Title 29, Chapter 16, or in any other manner provided by law;

(10) Take and hold property within or without the municipality or state upon trust; and administer trusts for the public benefit;

(11) Acquire, construct, own, operate, and maintain, or sell, lease, mortgage, pledge or otherwise dispose of public utilities or any estate or interest therein, or any other utility of service to the municipality, its inhabitants, or any part thereof, and, further, may issue debt for these purposes under the Local Government Public Obligations Act, compiled in Tennessee Code Annotated, Title 9, Chapter 21;

(12) Grant to any person, firm, association or corporation (including the municipality) franchises for public utilities and public services to be furnished the municipality and those therein. The power to grant franchises embraces the power to grant exclusive franchises. Whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also against the municipality itself. Franchises may be granted for a period of twenty-five (25) years or less, but not longer. The board may prescribe in each grant of a franchise, the rate, fares, charges and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the municipality at the date of the franchises, and as the corporate limits may be enlarged, and to the existing streets, alleys and thoroughfares that thereafter may be opened;

(13) Make contracts with any person, firm, association or corporation for public utilities, public services to be furnished the municipality and those therein. The power to make contracts embraces the power to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive against any other person, firm, association or corporation. These contracts may be entered into for a period of twenty-five (25) years or less, but not longer. The board may prescribe in each such contract entered into, the rates, fares, charges, and regulations that may be made by the person, firm, association or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the municipality at the date of the contract, and as the corporate limits may be enlarged, and to the then existing streets, alleys and thoroughfares and to any other streets, alleys and other thoroughfares that thereafter may be opened;

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, compel reasonable extensions of facilities for these services, and assess fees for the use of or impact upon these services. Nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (12) and (13);

(15) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains within or without the corporate limits, regulate their use within the corporate limits, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefor under the provisions of Tennessee Code Annotated, Sections 7-31-107 through 7-31-111 and 29-16-114, or any other manner provided by general law;

(16) Construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits, and assess a portion of the cost of these improvements on the property abutting on or adjacent to these streets, highways or alleys under, and as provided by, Tennessee Code Annotated, Title 7, Chapters 32 and 33;

(17) Assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice, and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling, the cleaning and rendering sanitary or removal, abolishing, and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the board;

(18) Acquire, purchase, provide for, construct, regulate and maintain and do all things relating to all marketplaces, public buildings, bridges, sewers and other structures, works and improvements;

(19) Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or license and regulate their collection and disposal, and the cost of collection, regulation, or disposal may be funded by taxation, special assessment to the property owner, user fees or other charges;

(20) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade not prohibited by law;

(21) Impose a license tax upon any animal, thing, business, vocation, pursuit, privilege or calling not prohibited by law;

(22) Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, callings, trades, use of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the municipality, and exercise general police powers;

(23) Prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained;

(24) Inspect, test, measure and weigh any article for consumption or use within the municipality, and charge reasonable fees therefor, and provide standards of weights, tests and measures, in accordance with general law;

(25) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures, and inspect all buildings, lands and places as to their

condition for health, cleanliness and safety, and when necessary, prevent their use and require any alteration or changes necessary to make them healthful, clean or safe;

(26) Provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services;

(27) Purchase or construct, maintain and establish a workhouse for the confinement and detention of persons who violate laws within the corporate limits of the city, or contract with the county to keep these persons in the workhouse of the county;

(28)

(A) Enforce any ordinance, rule or regulation by fines, forfeitures, and penalties, and by other actions or proceedings in any court of competent jurisdiction; and

(B) Provide by ordinance for court costs;

(29) Establish schools, determine the necessary boards, officers and teachers required therefor, and fix their compensation, purchase or otherwise acquire land for or assess a fee for use of, or impact upon, schoolhouses, playgrounds and other purposes connected with the schools, purchase or erect all necessary buildings and do all other acts necessary to establish, maintain and operate a complete educational system within the municipality;

(30) Regulate, tax, license or suppress the keeping or running at large of animals within the municipality, impound them, and in default of redemption, sell or euthanize them;

(31) Call elections as herein provided; and

(32) Have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though these powers were specifically enumerated.

SECTION 25. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the city of Munford. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 26. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 25.

PASSED: May 27, 2005


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 17th day of June 2005


PHIL BREDESEN, GOVERNOR